

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 95-80889

v.

Hon. Lawrence P. Zatkoff

MICHAEL BISCHOFF and
SUZANNE M. LATOUR BISCHOFF,

Defendants.

/

OPINION AND ORDER

On January 22, 2014, Defendants filed two motions: (1) Motion for “Leave” per FRCP 15 to Respond to Doc 245 In the Interest of Justice (Docket #253); and (2) Motion to Strike the Government’s Supplemental Pleading (Docket #254). On the same day, the Court issued an Opinion and Order granting Defendants a two-week extension to produce required financial documentation and information.

The Court is not persuaded by the arguments set forth in either of the motions Defendants filed on January 22, 2014. As to the Motion to Strike, the Government’s Supplemental Pleading was not only permitted by the Court, such supplemental pleading was mandated by the Court and the Government appropriately filed its comments on the docket rather than engaging in *ex parte* communication with the Court. *See* Opinion and Order dated December 18, 2013 (Docket #241) (“If, however, the Court determines **(after receiving input from the Government on or before January 21, 2014)** that Defendants provided, on or before January 17, 2014, both the Government and the Court with all the documents Defendants were ordered to produce in the March 1, 2013 Order issued by Magistrate Judge Komives (as affirmed by this Court on March

25, 2013), the Court shall enter an Order that Defendants will not have to serve the terms of incarceration set forth in part 1.A. and part 1.B. above”). As to the Motion for “Leave,” the motion is:

- (a) moot. As noted above, the Court has already ruled on the underlying motion and issues raised by Defendants (who already had an opportunity to brief the issues), and
- (b) not permitted by the Federal Rules of Civil Procedure or the Local Rules of the Eastern District of Michigan, absent consent of the Court. After reviewing Defendants’ motion, the Court is not persuaded that Defendants have demonstrated the interests of justice support revisiting the issues addressed in Defendants’ motion or the response filed by the Government pursuant to the Court’s Order.

Accordingly, for the reasons set forth above, the Court hereby DENIES Defendants’ Motion for “Leave” per FRCP 15 to Respond to Doc 245 In the Interest of Justice (Docket #253), and Defendants’ Motion to Strike the Government’s Supplemental Pleading (Docket #254).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
United States District Judge

Dated: January 23, 2014